



General Assembly

January Session, 2009

***Raised Bill No. 826***

LCO No. 2804

\* \_\_\_\_SB00826ED\_\_\_\_040209\_\_\_\_\*

Referred to Committee on Public Health

Introduced by:  
(PH)

***AN ACT CONCERNING THE LICENSURE OF CHILD DAY CARE  
FACILITIES AND YOUTH CAMPS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-80f of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 [In accordance with section 17a-101j, the Commissioner of Children  
4 and Families shall notify the Commissioner of Public Health of all  
5 information concerning substantiated complaints, pursuant to  
6 subsection (b) of said section 17a-101j, of incidents of abuse or neglect  
7 which have occurred at any licensed day care facility. If the  
8 Commissioner of Children and Families determines that there was  
9 abuse or neglect of a child, he shall notify the person about whom the  
10 claim was substantiated of the determination, in writing. Such  
11 notification shall include a description of the abuse or neglect and the  
12 reasons for substantiation. The Commissioner of Public Health shall  
13 compile a listing of the information and of complaints received and  
14 substantiated by the Department of Public Health concerning a  
15 licensed day care facility during the prior three-year period. The  
16 Commissioner of Public Health shall disclose information contained in

17 the listing to any person who requests it, provided the information  
18 does not identify children, families, staff members or employees of any  
19 licensed facility or any person residing in the household of a person  
20 licensed under section 19a-87b.]

21 (a) As used in this section, "facility" means a child day care center, a  
22 group day care home and a family day care home, as defined in section  
23 19a-77, and a youth camp, as defined in section 19a-420, as amended  
24 by this act.

25 (b) Notwithstanding any provision of the general statutes, the  
26 Commissioner of Children and Families, or the commissioner's  
27 designee, shall provide to the Department of Public Health all records  
28 concerning reports of child abuse or neglect: (1) Occurring at any  
29 facility, and (2) by any staff member or licensee of any facility and by  
30 any household member of any family day care home, as defined in  
31 section 19a-77, irrespective of where the abuse or neglect occurred.

32 (c) The Department of Children and Families and the Department of  
33 Public Health shall jointly investigate reports of abuse or neglect  
34 occurring at any facility. All information, records and reports  
35 concerning such investigation shall be shared between agencies as part  
36 of the investigative process.

37 (d) The Commissioner of Public Health shall compile a listing of  
38 allegations of violations that have been substantiated by the  
39 Department of Public Health concerning a facility during the prior  
40 three-year period. The Commissioner of Public Health shall disclose  
41 information contained in the listing to any person who requests it,  
42 provided the information does not identify children or family  
43 members of those children.

44 (e) Notwithstanding any provision of the general statutes, when the  
45 Commissioner of Children and Families has made a finding  
46 substantiating abuse or neglect: (1) That occurred at a facility, or (2) by  
47 any staff member or licensee of any facility, or by any household

48 member of any family day care home and such finding is included on  
 49 the state child abuse or neglect registry, maintained by the Department  
 50 of Children and Families pursuant to section 17a-101k, such finding  
 51 may be included in the listing compiled by the Department of Public  
 52 Health pursuant to subsection (d) of this section and may be disclosed  
 53 to the public by the Department of Public Health.

54 (f) Notwithstanding any provision of the general statutes, when the  
 55 Commissioner of Children and Families, pursuant to section 17a-101j,  
 56 has notified the Department of Public Health of suspected child abuse  
 57 or neglect at a facility and if such child abuse or neglect resulted in or  
 58 involves (1) the death of a child; (2) the risk of serious physical injury  
 59 or emotional harm of a child; (3) the serious physical harm of a child;  
 60 (4) the arrest of a person due to abuse or neglect of a child; (5) a  
 61 petition filed by the Commissioner of Children and Families pursuant  
 62 to section 17a-112 or 46b-129; or (6) sexual abuse of a child, the  
 63 Commissioner of Public Health may include a finding of child abuse or  
 64 neglect in the listing under subsection (d) of this section and may  
 65 disclose such finding to the public. If the Commissioner of Children  
 66 and Families, or the commissioner's designee, notifies the  
 67 Commissioner of Public Health that such child abuse or neglect was  
 68 not substantiated, the Commissioner of Public Health shall  
 69 immediately remove such information from the listing and shall not  
 70 further disclose any such information to the public.

71 (g) Notwithstanding any provision of the general statutes, all  
 72 records provided by the Commissioner of Children and Families, or  
 73 the commissioner's designee, to the Department of Public Health  
 74 regarding child abuse or neglect occurring at any facility, may be  
 75 utilized in an administrative proceeding or court proceeding relative to  
 76 facility licensing. In any such proceeding, such records shall be  
 77 confidential, except as provided by the provisions of section 4-177c,  
 78 and such records shall not be subject to disclosure pursuant to section  
 79 1-210.

80 Sec. 2. Subdivision (1) of section 19a-420 of the general statutes is

81 repealed and the following is substituted in lieu thereof (*Effective*  
82 *October 1, 2009*):

83 (1) "Youth camp" means any regularly scheduled program or  
84 organized group activity advertised as a camp or operated only during  
85 school vacations or on weekends by a person, partnership,  
86 corporation, association, the state or a municipal agency for  
87 recreational or educational purposes and accommodating for profit or  
88 under philanthropic or charitable auspices five or more children, who  
89 are at least three years of age and under sixteen years of age, who are  
90 (A) not bona fide personal guests in the private home of an individual,  
91 and (B) living apart from their relatives, parents or legal guardian, for  
92 a period of three days or more per week or portions of three or more  
93 days per week, provided any such relative, parent or guardian who is  
94 an employee of such camp shall not be considered to be in the position  
95 of loco parentis to such employee's child for the purposes of this  
96 chapter, but does not include (i) classroom-based summer instructional  
97 programs operated by any person, provided no activities that may  
98 pose a health risk or hazard to participating children are conducted at  
99 such programs, (ii) public schools, or private schools in compliance  
100 with section 10-188 and approved by the State Board of Education or  
101 accredited by an accrediting agency recognized by the State Board of  
102 Education, which operate a summer educational program, (iii) licensed  
103 day care centers, or (iv) drop-in programs for children who are at least  
104 six years of age administered by a nationally chartered boys' and girls'  
105 club.

106 Sec. 3. Section 19a-423 of the general statutes is repealed and the  
107 following is substituted in lieu thereof (*Effective October 1, 2009*):

108 (a) The commissioner may take any of the actions authorized under  
109 subsection (b) of this section if the youth camp licensee: (1) Is convicted  
110 of any offense involving moral turpitude, the record of conviction  
111 being conclusive evidence thereof; (2) is legally adjudicated insane or  
112 mentally incompetent, the record of such adjudication being  
113 conclusive evidence thereof; (3) uses any narcotic or any controlled

114 drug, as defined in section 21a-240, to an extent or in a manner that  
 115 such use impairs the licensee's ability to properly care for children; (4)  
 116 fails to comply with the statutes and regulations for licensing youth  
 117 camps; (5) furnishes or makes any misleading or any false statement or  
 118 report to the department; (6) refuses to submit to the department any  
 119 reports or refuses to make available to the department any records  
 120 required by it in investigating the facility for licensing purposes; (7)  
 121 fails or refuses to submit to an investigation or inspection by the  
 122 department or to admit authorized representatives of the department  
 123 at any reasonable time for the purpose of investigation, inspection or  
 124 licensing; (8) fails to provide, maintain, equip and keep in safe and  
 125 sanitary condition premises established for or used by the campers  
 126 pursuant to minimum standards prescribed by the department or by  
 127 ordinances or regulations applicable to the location of such facility; or  
 128 (9) wilfully or deliberately violates any of the provisions of this  
 129 chapter.

130 (b) The Commissioner of Public Health, after a contested case  
 131 hearing held in accordance with the provisions of chapter 54, may take  
 132 any of the following actions, singly or in combination, in any case in  
 133 which the commissioner finds that there has been a substantial failure  
 134 to comply with the requirements established under sections 19a-420 to  
 135 19a-428, inclusive, as amended by this act, the Public Health Code or  
 136 regulations adopted pursuant to section 19a-428: (1) Revoke a license;  
 137 (2) suspend a license; (3) impose a civil penalty of not more than one  
 138 hundred dollars per violation for each day of occurrence; (4) place a  
 139 licensee on probationary status and require such licensee to report  
 140 regularly to the department on the matters that are the basis of the  
 141 probation; [or] (5) restrict the acquisition of other facilities for a period  
 142 of time set by the commissioner; or (6) impose limitations on a license.

143 (c) The commissioner shall notify the licensee, in writing, of the  
 144 commissioner's intention to suspend or revoke the license or to impose  
 145 a licensure action. The licensee may, if aggrieved by such intended  
 146 action, make application for a hearing, in writing, over the licensee's

147 signature to the commissioner. The licensee shall state in the  
148 application in plain language the reasons why the licensee claims to be  
149 aggrieved. The application shall be delivered to the commissioner not  
150 later than thirty days after the licensee's receipt of notification of the  
151 intended action.

152 (d) The commissioner shall hold a hearing not later than sixty days  
153 after receipt of such application and shall, at least ten days prior to the  
154 date of such hearing, mail a notice, giving the time and place of the  
155 hearing, to the licensee. The hearing may be conducted by the  
156 commissioner or by a hearing officer appointed by the commissioner,  
157 in writing. The licensee and the commissioner or hearing officer may  
158 issue subpoenas requiring the attendance of witnesses. The licensee  
159 shall be entitled to be represented by counsel and a transcript of the  
160 hearing shall be made. If the hearing is conducted by a hearing officer,  
161 the hearing officer shall state the hearing officer's findings and make a  
162 recommendation to the commissioner on the issue of revocation or  
163 suspension or the intended licensure action.

164 (e) The commissioner, based upon the findings and  
165 recommendation of the hearing officer, or after a hearing conducted by  
166 the commissioner, shall render the commissioner's decision, in writing,  
167 suspending, revoking or continuing the license or regarding the  
168 intended licensure action. A copy of the decision shall be sent by  
169 certified mail to the licensee. The decision revoking or suspending the  
170 license or a decision imposing a licensure action shall become effective  
171 thirty days after it is mailed by registered or certified mail to the  
172 licensee. A licensee aggrieved by the decision of the commissioner may  
173 appeal in the same manner as provided in section 19a-85.

174 (f) The provisions of subsections (c) to (e), inclusive, of this section  
175 shall not apply to the denial of an initial application for a license under  
176 section 19a-421, provided the commissioner notifies the applicant of  
177 any such denial and the reasons for such denial by mailing written  
178 notice to the applicant at the applicant's address shown on the license  
179 application.

180       (g) If the department determines that the health, safety or welfare of  
 181       a child or staff person at a youth camp requires imperative emergency  
 182       action by the department to halt an activity being provided at the  
 183       camp, the department may issue a cease and desist order limiting the  
 184       license and requiring the immediate cessation of the activity. The  
 185       department shall provide the licensee with an opportunity for a  
 186       hearing regarding the issuance of a cease and desist order. Such  
 187       hearing shall be held not later than ten business days after the date of  
 188       issuance of the order. Upon receipt of such order, the licensee shall  
 189       cease providing the activity and provide immediate notification to staff  
 190       and the parents of all children attending the camp that such activity  
 191       has ceased at the camp until such time as the cease and desist order is  
 192       dissolved by the department.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	19a-80f
Sec. 2	<i>October 1, 2009</i>	19a-420(1)
Sec. 3	<i>October 1, 2009</i>	19a-423

***PH***           *Joint Favorable C/R*

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***ED***           *Joint Favorable*